

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ERIC FLORES,

Plaintiff,

v.

NEVADA DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 2:20-cv-00693-RFB-EJY

ORDER

I. DISCUSSION

On April 16, 2020, Plaintiff, an inmate in the custody of the Nevada Department of Corrections (“NDOC”), submitted a civil rights complaint under 42 U.S.C. § 1983 and filed an application to proceed *in forma pauperis*. (ECF Nos. 1-1, 1). Plaintiff’s application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, an inmate seeking to begin a civil action in this Court may apply to proceed *in forma pauperis* in order to file the civil action without prepaying the full \$400 filing fee. To apply for *in forma pauperis* status, the inmate must submit all three of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court’s approved form (i.e. pages 1 through 3 with the inmate’s two signatures on page 3);

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court’s approved form); and

(3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted a Financial Certificate on this Court’s approved form or an inmate account statement for the past six months. Accordingly, the Court denies Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) without prejudice because the application is incomplete. The Court will grant Plaintiff a **one-time extension** to file a fully complete application to proceed

1 *in forma pauperis* containing all three of the required documents. Plaintiff will file a fully complete
 2 application to proceed *in forma pauperis* on or before **June 15, 2020**. Absent unusual circumstances,
 3 the Court will not grant any further extensions of time. If Plaintiff is unable to file a fully complete
 4 application to proceed *in forma pauperis* with all three required documents on or before **June 15,**
 5 **2020**, the Court will dismiss this case without prejudice for Plaintiff to file a new case with the
 6 Court when Plaintiff is able to acquire all three of the documents needed to file a fully complete
 7 application to proceed *in forma pauperis*. To clarify, a dismissal without prejudice means Plaintiff
 8 does not give up the right to refile the case with the Court, under a new case number, when Plaintiff
 9 has all three documents needed to submit with the application to proceed *in forma pauperis*.
 10 Alternatively, Plaintiff may choose not to file an application to proceed *in forma pauperis* and instead
 11 pay the full filing fee of \$400 on or before **June 15, 2020** to proceed with this case. The Court will
 12 retain Plaintiff's civil rights complaint (ECF No. 1-1), but the Court will not file the complaint unless
 13 and until Plaintiff timely files a fully complete application to proceed *in forma pauperis* with all
 14 three documents or pays the full \$400 filing fee.

15 **II. CONCLUSION**

16 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's application to proceed
 17 *in forma pauperis* (ECF No. 1) is denied without prejudice to file a new fully complete application
 18 to proceed *in forma pauperis* with all three documents.

19 IT IS FURTHER ORDERED that the Clerk of the Court shall send Plaintiff the approved
 20 form application to proceed *in forma pauperis* by an inmate, as well as the document entitled
 21 information and instructions for filing an *in forma pauperis* application.

22 IT IS FURTHER ORDERED that on or before **June 15, 2020**, Plaintiff shall either pay the
 23 full \$400 filing fee for a civil action (which includes the \$350 filing fee and the \$50 administrative
 24 fee) or file with the Court:

- 25 (1) a completed **Application to Proceed in Forma Pauperis for Inmate** on this Court's
- 26 approved form (i.e. pages 1 through 3 of the form with the inmate's two signatures on page
- 27 3);

- 1 (2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official
2 (i.e. page 4 of this Court's approved form); and
3 (3) a copy of the **inmate's prison or jail trust fund account statement for the previous**
4 **six-month period.**

5 IT IS FURTHER ORDERED that, if Plaintiff does not file a fully complete application to
6 proceed *in forma pauperis* with all three documents or pay the full \$400 filing fee for a civil action
7 on or before **June 15, 2020**, the Court will dismiss this action without prejudice for Plaintiff to refile
8 the case with the Court, under a new case number, when Plaintiff has all three documents needed to
9 file a complete application to proceed *in forma pauperis*.

10 IT IS FURTHER ORDERED that the Clerk of the Court shall retain the complaint (ECF
11 No.1-1) but will not file it at this time.

12 DATED: April 17, 2020

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15 ELAYNA J. YOUCHAH
16 UNITED STATES MAGISTRATE JUDGE
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